

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

(1) ANDREW CHABALLA, as
Next of Kin of LAVERNE SOMERS,
Deceased, and ANDREW CHABALLA
as Administrator of the Estate of
LAVERNE SOMERS

Plaintiffs,

v.

Case No. 5:22-cv-00772-F

(1) SP HEALTHCARE
MANAGEMENT LLC

(2) MIDWEST GERIATRIC
MANAGEMENT, LLC

(3) JUDAH BIENSTOCK

Defendants.

JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

COME NOW, all Parties, by and through their respective counsel of record and hereby file this Joint Motion on behalf of all Parties and request this Honorable Court to extend all non-expired Scheduling Order deadlines in this matter by 60 days. In support of this Motion, the Parties would show the Court as follows:

1. On December 1, 2022, this Court entered a Scheduling Order in this matter.
See Doc. #23.

2. The Court's Scheduling Order set the following remaining deadlines:

Description	Deadline
Plaintiff's expert witness list and expert reports	8/20/2023
Plaintiff's final witness list	9/10/2023
Defendants' final witness list	9/24/2023
Defendants' expert witness list and expert reports	9/10/2023
Defendants' final witness list	9/24/2023
Plaintiff's exhibit list	9/10/2023
Defendants' exhibit list	9/24/2023
Motions in limine due	12/15/2023
Jury instructions & verdict forms due	12/15/2023
Voir dire requests due	12/15/2023
Trial briefs due	12/15/2023
Case Referred to Mediator; ADR Completion Date due by	9/15/2023
Discovery due by	12/15/2023
Jury Trial set for	1/9/2024 09:30 am
Dispositive & Daubert Motions due by	10/1/2023
Pretrial Report due by	12/15/2023

3. The parties have continuously conducted discovery in this matter in good faith.

4. Throughout the course of Discovery, Defendants collectively have provided 4,826 pages of documents in response to discovery requests.

5. Plaintiff has produced 1,132 pages of documents.

6. To date, the parties have met and conferred on multiple occasions related to discovery disputes and supplemental responses and production which has led to additional documents produced and supplemental responses to discovery.

7. Many additional pages of medical records have been received from other providers, with additional probable production still pending.

8. The parties have met and conferred multiple times related to the Fed. R. Civ. P. 30(b)(6) corporate representative deposition topics issued by Plaintiff to the corporate Defendants and are working diligently to come to an agreement as to the scope of the topics. The Parties are hopeful they will be able to work out the remainder of their dispute without court intervention, at which time the depositions of the corporate representatives will be scheduled.

9. On August 23, 2016, the Court amended the scheduling order for the purpose of facilitating and scheduling additional depositions and discovery in this matter. The amended scheduling order set forth the following deadlines:

Description	Deadline
Plaintiff's expert witness list and expert reports	12/20/2023
Plaintiff's final witness list	1/10/2024
Defendants' final witness list	1/24/2024
Defendants' expert witness list and expert reports	1/24/2024
Defendants' final witness list	1/22/2024
Plaintiff's exhibit list	1/10/2024
Defendants' exhibit list	1/24/2024
Motions in limine due	4/23/2024
Jury instructions & verdict forms due	4/23/2024
Voir dire requests due	4/23/2024
Trial briefs due	4/23/2024
Case Referred to Mediator; ADR Completion Date due by	1/15/2024
Discovery due by	4/15/2024
Jury Trial set for	
Dispositive & Daubert Motions due by	2/1/2024
Pretrial Report due by	4/23/2024

10. Defendants are in the midst of a rolling production of emails that have been the subject of months of a meet and confer process. Moreover, at least 6 crucial fact witnesses – according to plaintiffs — are former employees that must be subpoenaed for their depositions and that process of service of process and scheduling has taken longer than expected. Without the emails and subpoenaed depositions, Plaintiffs cannot in good faith designate their experts.

11. Based on the foregoing and anticipated future discovery needs in this matter, all Parties agree and request that, for the purpose of facilitating and scheduling additional depositions and discovery in this matter, the deadlines in the current Scheduling Order be extended by one hundred and twenty (60) days to the following dates

Description	Deadline
Plaintiff's expert witness list and expert reports	2/20/24
Plaintiff's final witness list	3/11/2024
Defendants' final witness list	3/25/2024
Defendants' expert witness list and expert reports	3/25/2024
Defendants' final witness list	3/22/2024
Plaintiff's exhibit list	3/11/2024
Defendants' exhibit list	3/25/2024
Motions in limine due	6/23/2024
Jury instructions & verdict forms due	6/23/2024

Voir dire requests due	6/23/2024
Trial briefs due	6/23/2024
Case Referred to Mediator; ADR Completion Date due by	4/15/2024
Discovery due by	6/17/2024
Jury Trial set for	
Dispositive & Daubert Motions due by	4/1/2024
Pretrial Report due by	6/24/2024

12. The Parties have worked diligently in this matter but agree that additional time is needed in order to fully complete discovery in this matter.

13. All counsel have conferred and agree to the need for the relief sought in the present motion.

14. The Parties have made 1 previous request to extend the Scheduling Order deadlines in this case.

15. This extension is not sought for the purpose of delay but to provide the Parties sufficient time to complete discovery and to address the Court's remaining deadlines.

16. This Motion is made in the interest of justice and to allow the proper preparation of this case, and not for the purpose of delay or to unduly burden the Court's docket.

17. The granting of this Motion will not cause prejudice to any party hereto nor

will it cause any change to the Court's docket or delay in the Court's hearing of this matter.

WHEREFORE, the Parties respectfully request this Court to amend certain deadlines as set forth above.

DATED: December ____, 2023.

Respectfully submitted,

[**signatures on following page**]

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& ANDERSON, L.L.P.**

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